

## The creation of multi-ethnic police services in the Western Balkans: a record of mixed success

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# The Creation of Multi-Ethnic Police Services in the Western Balkans: A Record of Mixed Success

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DSF-Forschung erscheint in unregelmäßiger Folge. Für Inhalt und Aussage der Beiträge sind jeweils die Autorinnen und Autoren verantwortlich.

## Abstract

In the framework of the OSCE's post-conflict rehabilitation activities, the police component is of increasing importance. The aim of the Centre for OSCE Research's (CORE) project 'The OSCE and the Creation of Multi-Ethnic Police Forces in The Balkans', on which the findings of this report are based, was to analyze the OSCE police missions in Kosovo, Southern Serbia (Presevo Valley) and Macedonia, to inquire whether and to what extent multi-ethnic police services can help to overcome the legacy of ethno-political conflicts, and to study the problems confronting the OSCE, UN and EU when they developed and implemented their training concepts.

The three central research questions were: Firstly, to what extent could multi-ethnic police forces be established in the post-war societies of the Western Balkans? Secondly, to what degree have the populations gained confidence in them? And thirdly, which factors explain the success or failure in establishing multi-ethnic police services? The findings of the study are primarily based on interviews with and surveys of about 700 local police officers and their OSCE, UN and EU police instructors and monitors in Kosovo, Southern Serbia and Macedonia.

The results of the study are mixed. One clear success consists in the fact that the international police missions were able in all three cases to recruit and train as many officers as planned. Furthermore, a general climate of professionalism and comradeship has developed within the multi-ethnic police units. Moreover, in all three cases the ethnic Albanian population has gained confidence in the new police forces.

However, a number of negative aspects must also be mentioned. In contrast to the ethnic Albanian population, ethnic Serbs and Macedonians view the multi-ethnic units with much scepticism. In addition, there are considerable problems with integrating the multi-ethnic units into the regular Serbian and Macedonian police forces, in particular into the special police forces that fight organized crime and terrorism. The prime reason for this poor integration is the insufficient training of the new police officers. The low educational level of many ethnic Albanian police applicants poses a significant obstacle to their further education.

The fact that unsuitable police applicants were nevertheless recruited is due to the political pressure by all ethnic communities. In addition, international actors in Kosovo had severe problems in gaining reliable information about the applicants, because relevant documents had vanished during the war. Other reasons for the often unprofessional performance of new police officers were rooted in the over-centralized command structures of the Serbian and Macedonian post-socialist police forces that also give way to political interference into the police service. A related problem is the very low salaries of police officers that provide fertile ground for corruption. Finally, effective police work was hampered in all three cases by the severe deficits within the judiciary.

The conclusion is that states and international organizations should be prepared to provide a sufficient level of resources over a longer period to secure the sustainability of police reform. In addition, they should exert more political pressure on the political actors of the host countries to combat the structural deficits in the police services and the judiciary. Moreover, additional efforts are needed to achieve better integration of minority officers in *all* branches of the police services, and to further promote the acceptance of the multi-ethnic police units within the ethnic Serbian and Macedonian communities.

## Zusammenfassung

Im Rahmen der *Post-conflict Rehabilitation Activities* der OSZE spielen die Polizeikomponenten eine immer bedeutendere Rolle. Das Ziel der diesem Beitrag zugrunde liegenden Studie „Die OSZE und der Aufbau Multiethnischer Polizeien auf dem Balkan“, die am Zentrum für OSZE-Forschung (CORE) durchgeführt wurde, bestand darin, die OSZE-Polizeimissionen im Kosovo, in Südserbien (Presevoval) und Mazedonien dahingehend zu untersuchen, ob und wieweit es mit Hilfe des Instruments multiethnischer Polizeien möglich ist, die Folgen ethnopolitischer Konflikte zu überwinden sowie zu analysieren, vor welchen Problemen OSZE, UN und EU standen, als sie entsprechende Ausbildungskonzepte entwarfen und umsetzten.

Die drei zentralen Forschungsfragen lauteten: Erstens, inwieweit ist es in den Nachbürgerkriegsgesellschaften des Westbalkans innerhalb weniger Jahre gelungen, funktionierende multiethnische Polizeien aufzubauen? Zweitens, inwieweit haben die Bevölkerung und insbesondere die Minderheiten Vertrauen in die neue Polizei gefasst? Und drittens, welche Faktoren erklären den Erfolg bzw. Misserfolg beim Aufbau multiethnischer Polizeien?

Die Ergebnisse der Studie beruhen primär auf Interviews und schriftlichen Befragungen von rund 700 einheimischen Polizisten und deren internationalen Ausbildern und Beobachtern von der OSZE, EU und UNO im Kosovo, in Südserbien und in Mazedonien.

Die Untersuchung kommt zu einer differenzierten Erfolgsbewertung der Implementierung der Missionsmandate. Positiv kann zunächst festgehalten werden, dass alle Missionen die Vorgaben für die Anzahl an zu rekrutierenden und auszubildenden Polizisten erfüllt bzw. übertroffen haben. Darüber hinaus hat sich in allen drei Untersuchungsfällen in den multiethnischen Polizeieinheiten ein kollegiales und professionelles Klima entwickelt. Ferner können die Missionen in allen drei Fällen positiv verbuchen, dass der Aufbau der multiethnischen Einheiten insbesondere bei der albanischen Bevölkerungsgruppe einen vertrauensbildenden Effekt erzielt hat.

Neben diesen grundlegenden positiven Ergebnissen ist jedoch eine Reihe negativer Aspekte zu vermerken: Im Gegensatz zur albanischen Bevölkerung betrachten Serben und slawische Mazedonier die multiethnischen Einheiten weiterhin mit Skepsis. In Südserbien und Mazedonien gibt es darüber hinaus noch große Probleme, die multiethnischen Einheiten in die allgemeinen Polizeiapparate zu integrieren. Besonders schwierig stellt sich die Kooperation der multiethnischen Einheiten mit den zur Terror- und Kriminalitätsbekämpfung eingesetzten Spezialeinheiten dar. Primär ursächlich für die mangelhafte Integration der multiethnischen Einheiten ist der unzureichende Ausbildungsstand der neuen Polizisten. Die Gründe hierfür liegen zum einen in den Bildungsdefiziten vieler albanischer Polizeianwärter. Zum anderen tragen strukturelle und konzeptionelle Defizite der Grundausbildung an den Akademien und in den Praxisphasen zum unzureichenden Ausbildungsstand der neuen Polizeibeamten bei.

Dass Polizeibewerber, die aufgrund ihrer Bildungsdefizite, krimineller Hintergründe oder anderer negativer Persönlichkeitsmerkmale für den Polizeidienst nicht geeignet sind, aber dennoch rekrutiert wurden, lag am Einfluss politischer Parteien und Rebellengruppen auf das Rekrutierungsverfahren sowie an den spezifischen Problemen der Informationsgewinnung durch internationale Rekrutierer unter Nachkriegsbedingungen.

Weitere Ursachen für das vielfach unprofessionelle Auftreten einheimischer Polizisten liegen in strukturellen Defiziten der Polizeiapparate post-sozialistischer Transformationsgesellschaften. So lassen die extrem zentralisierten Befehlsstrukturen in Südserbien und Mazedonien nur sehr wenig Eigeninitiative zu. In allen drei Fällen fanden sich zudem Beispiele, bei denen die Zentralisierung mit einer anhaltenden Politisierung der Polizei, das heißt direkter politischer Einflussnahme auf operative Maßnahmen sowie auf die Karrierewege der Polizisten einherging. Die sehr niedrigen Gehälter der Polizisten bilden in Verbindung mit der vorherrschenden Korruptionskultur in den Gesellschaften des Untersuchungsraums den Nährboden für verbreitete Korruption bei der Polizei. Schließlich wird eine effektive Polizeiarbeit in allen drei Untersuchungsfällen durch die großen Defizite in den Justizsystemen massiv behindert.

Die Schlussfolgerung lautet, dass es grundsätzlich erforderlich ist, dass Staaten und internationale Organisationen über einen längerfristigen Zeitraum ausreichend finanzielle und materielle Ressourcen sowie eine größere Anzahl qualifizierter Ausbilder für Polizeiemissionen bereitstellen. Mit Blick auf die Nachhaltigkeit von Polizeireformen muss die internationale Gemeinschaft stärkeren politischen Druck auf die Politik der Gastgeberländer ausüben, um die strukturellen Defizite in den lokalen Polizeiapparaten sowie in der Justiz abzuschwächen. Darüber hinaus ist politischer Druck auch notwendig, um ethnische Minderheiten in *alle* Polizeibereiche zu integrieren. Und schließlich ist es erforderlich, mehr für die Akzeptanz der multiethnischen Polizei bei Serben und slawischen Mazedoniern zu werben. Denn nur wenn auch deren Akzeptanz langfristig wächst, kann von einem wirklichen Integrationserfolg gesprochen werden.

# 1. Introduction: Policing in Ethno-Political Post-Conflict Situations\*

The police components of international post-conflict peace building missions, which deal with peace consolidation after the resolution of violent intra-state conflicts,<sup>1</sup> are of increasing importance. A prime feature of intra-state conflicts is the challenging of the states' 'internal sovereignty'<sup>2</sup> by domestic actors (sometimes supported by external ones) who call into question the legitimacy of the state's monopoly of force. If this monopoly is challenged and the state is no longer able to provide 'security, law and a reasonable amount of order'<sup>3</sup> for all citizens, intra-state security dilemmas arise.<sup>4</sup> If citizens or groups believe that potential rivals will not be restrained by state authority, they will take security into their own hands by arming themselves, thus initiating an 'intra-state arms race'.

In order to re-establish the state's legitimate monopoly of force, which, according to Senghaas, is 'of paramount importance for any modern peace order'<sup>5</sup> and to secure a sustainable peace process, citizens must be disarmed, the parties to the conflict demobilized and demilitarized, and the armed forces reconstituted.<sup>6</sup> In addition, it is particularly important to reform or even completely restructure the domestic police forces. After international police have withdrawn, the (re-)established democratic police services<sup>7</sup> must have both the ability and the will to prevent human rights violations, protect democratic institutions and resolutely fight corruption, organized crime and terrorism. The ability to provide public security for all population groups is a basic precondition for the socio-economic stabilization of crisis regions.<sup>8</sup>

## 1.1 The Ethno-Political Dimension of Police Reform

The establishment of ethnically mixed police forces within multi-ethnic societies in the aftermath of violent conflicts presents a particular challenge for police reforms. In an environment which is characterized by ethnically motivated hatred and social mistrust, police forces must be constituted from members of all population groups. Otherwise, the population or at least certain minority groups will have no confidence in the security forces and will either flee or rely on vigilantism. The intra-state security dilemma would then continue. However, the key question, particularly in view of the high hopes implied in police mission mandates, is whether and to what extent it is possible to unite members of antagonistic ethnic communities in one and the same police force and to develop a spirit of professio-

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\* This article is based on the findings of the research project 'The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans' conducted between 2003 and 2005 at the Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), and funded by the German Foundation for Peace Research (DSF). A comprehensive discussion of the research findings can be found in Stodiek 2006.

1 For a definition of the concept of peacebuilding see Schneckenner 2005, pp. 17-30.

2 Holsti 1996, p. 94.

3 Ibid.

4 For an excellent analysis of intra-state security dilemmas see Kafir 2004, pp. 53-76.

5 Senghaas 2004, p. 28. In addition to the state monopoly of force, Senghaas mentions five other 'essential conditions for the civilised – i.e. the non-violent – resolution of unavoidable conflicts in societies': rule of law; affect control, democratic participation, social justice and equity, and constructive conflict management (pp. 28-31).

6 Cf. Perthes 2000, p. 447.

7 According to Call and Bayley, key characteristics of 'democratic policing' are: civilian control of the police, police responsiveness to the needs of the population and the accountability of the police to multiple external audiences (cf. Call 2000, p. 9; Bayley 1985).

8 Cf. McCartney/Fischer/Wils 2004, p. 5; Matthies 2004, pp. 47-50; Ferdowsi/Matthies 2003, p. 33; Perthes 2000, p. 447.



nalism and comradeship within these multi-ethnic police units, without which effective co-operation is impossible.

Moreover, the example of the UN Mission in Bosnia and Herzegovina has shown that parallel chains of command and loyalties based on membership in specific ethnic groups can persist in reformed police units, seriously undermining their performance.<sup>9</sup> Separate agendas of the different ethnic components of the police can lead to openly arbitrary performance of police officers with respect to the members of other ethnic communities. A number of examples show how indigenous police officers have either acted inadequately or not at all when dealing with riot control or investigations concerning members of their own ethnic group. The reason for this failure is partially rooted in the open partisanship towards one's own ethnic group. In addition, police officers are exposed to strong social pressure from their own ethnic groups.

The creation of a multi-ethnic police service does not take place in a socio-political vacuum and its mere existence does not guarantee its acceptance by all ethnic groups. Even if the police behave appropriately and protect the rights of all citizens in an unbiased way, some ethnic groups may need more time to gain confidence. For this reason comprehensive and long-lasting confidence-building programmes such as 'community policing'<sup>10</sup> are necessary.

The integration of members of ethnic minorities into the police is closely related to the reintegration of former regular and irregular combatants. This can lead to a particular dilemma: Demobilization programmes are usually doomed to failure, if former combatants are not given economic perspectives. In collapsed post-war economies, the integration of former combatants into police and/or military forces often appears to be the only quick solution to this problem. However, if the incorporation of former combatants does not succeed, there is a serious risk of a sharp rise in organized crime, based on the close relationship between members of former armed units.<sup>11</sup> Furthermore, acting according to the principles of the rule of law and democracy constitutes a great challenge for former combatants. Thus, their incorporation may hinder the functioning of multi-ethnic police units as well as their acceptance by the population.

Even if the demobilization and reintegration of former combatants proves to be successful, a sharp increase in (organized) crime is almost unavoidable in post-conflict societies with war-shattered economies.<sup>12</sup> In the fight against organized crime, the question for police reformers is whether to resort to existing experienced, but publicly discredited, police forces or to rely on the newly established police units that are trained to respect human rights, but are inexperienced in fighting crime. The support of international police forces frequently makes no great difference, because they are usually not familiar with the local languages, culture, and police laws, let alone the local criminal structures.<sup>13</sup> However, without success in fighting crime, the police will not gain trust among the population and this may worsen the security situation in general.

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9 Cf. Stodiek 2004a, p. 210; Hansen 2003, p. 187.

10 According to a definition by the OSCE, community policing aims at fostering the co-operation between the police and the population in identifying and resolving issues of concern to the citizens, e.g. problems of crime, social disorder or the 'overall quality of life in the community' (OSCE 2003, p. 22).

11 Cf. Perthes 2000, p. 447; Call/St Stanley 2001, p. 154.

12 Cf. O'Neill 2003, pp. 154ff.

13 Cf. Stodiek 2004b, p. 217; Call/St Stanley 2001, p. 164.

## 1.2 Structural Deficiencies of Post-Socialist Police Forces

Beyond the above-mentioned challenges to creating multi-ethnic police services, police reforms in the transformation societies of Eastern- and South-Eastern Europe have been confronted with particular structural deficiencies. These societies are characterized by an unfinished process of modernization and development<sup>14</sup> and exhibit hybrid forms of intellectual constructs that combine traditional and modern elements. The functional differentiation of the state is still incomplete. Although these states have undergone fundamental social change, cultural patterns, not congruent with the requirements of legal rational statehood, are still present in the habits of actors. This contradiction has led to the creation of hybrid forms of governance, which combine political and economic power options, the insufficient division of public and private spheres, the paramount importance of personalized politics, and the break up of formal legal rules through the clientelistic law of reciprocity.<sup>15</sup> Typical structural deficiencies of transformation societies are the weak performance of democratic institutions, state-controlled economic structures, underdeveloped civil societies, a lack of political accountability and transparency as well as severe shortcomings in the rule of law.<sup>16</sup> With respect to the police, these shortcomings include aspects such as the over-centralization, politicization and militarization of the police apparatus as well as records of human right abuses and endemic corruption. These structural deficiencies have posed additional obstacles to the creation of democratic police services in post-conflict settings. The particular structural deficiencies and dysfunctions of the post-Yugoslav police will be described in detail below (see chapter 3.1).

## 1.3 Resource Problems and the Question of Reform Ownership

Alongside the ethno-political and structural obstacles, international police reform missions usually have to cope with substantial resource problems. Reform efforts have frequently suffered from a severe lack of qualified personnel, lack of standardized curricula and textbooks, and a scarcity of material and financial resources for equipping international police instructors. This lack of resources has made the training of domestic police forces much more difficult. Moreover, local governments have also often been short of resources for providing their police officers with adequate equipment and pay.

Local governments must have a sense of ownership if the reform process is to be successful. If governments and local administrative bodies do not fully support the reforms, they will not be sustainable.<sup>17</sup> However, reforming the police is a very sensitive issue for every government, because it 'touches the heart of a state's sovereignty and its monopoly of coercive means'.<sup>18</sup> Resistance to reform may, of course, not only come from the government, but also from within the police. Police forces show a tendency to adhere to traditional structures and assumptions that constrain reform options, particularly if these forces used to enjoy privileges under authoritarian regimes and sometimes even formed a state within a state.<sup>19</sup> It may therefore not always be easy for international organizations to get the support they need from their local counterparts. The best way to secure support from local governments is to involve them in the development of the reform process at every stage,

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14 Cf. Matthies 1994, p. 11.

15 Cf. Kößler 1994; Schlichte 2000; Schlichte/Wilke 2000.

16 Cf. Ackermann 2002, p. 118; Lindholt 2003, p. 12f.

17 Cf. Eide/Holm 2000, p. 5.

18 Hansen 2003, p. 176.

19 Cf. Wulf 2004, p. 14; Hänggi 2005, p. 124.

making them see the immediate benefits of training, and to offer them political incentives right up to the possibility of EU and NATO accession in the future.<sup>20</sup>

Furthermore, the reform process must be perceived as legitimate by the local population, otherwise the international organizations' efforts may be seen as assisting the coercive apparatus of an illegitimate government. The public will become even more distrustful if this assistance includes technical support such as riot-control or surveillance equipment.

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20 Cf. Hänggi 2005, p. 122; Lindholt/de Mesquita/Titus/Alemika 2003, pp. 173, 177.

## 2. Objectives and Methodology of the CORE Study

The (re-)establishment and/or reform of multi-ethnic democratic police services have become an integral part of peace-building missions by the UN, the OSCE and the EU. In 2005, worldwide 13 out of 17 post-conflict peace-building missions included a police component, tasked with creating, reforming and/or training local police forces.

Following its first engagement in police monitoring in Croatia,<sup>21</sup> the OSCE has become a key player in the field of training and reforming police forces in the Western Balkans: since June 1999 in Kosovo, since May 2001 in the south Serbian Presevo valley, and since August 2001 in Macedonia. While bearing the main responsibility for the basic training of local police officers and providing assistance to local authorities in reforming the police services, the OSCE police components have co-operated with their counterparts from the UN (United Nations Interim Administration Mission in Kosovo/UNMIK) and the EU (EUPOL Proxima in Macedonia), as well as with a number of other international organizations, Non-Governmental Organizations (NGOs), and bilateral state actors.

The aim of the CORE study was to compare the international police activities of the OSCE, UN and EU in Kosovo, Southern Serbia (Presevo valley) and Macedonia in order to analyze whether and to what extent multi-ethnic police services can help to overcome the legacy of ethno-political conflicts, as well as to identify the structural deficiencies of post-socialist security sectors and to study the problems confronting the OSCE, UN and EU when they developed and implemented their training and reform concepts.

The findings of the study are based on the analysis of a number of documents and research reports published by international organizations and NGOs as well as on numerous oral interviews and a comprehensive written survey with local police officers and their instructors and monitors from the OSCE, the UN and the EU in Kosovo, Southern Serbia and Macedonia, which were carried between September 2003 and June 2005.

### 2.1 The Written Survey

The survey was conducted with representative samples of international police officers and local police officers belonging to (at least) the two largest ethnic groups in each mission area. Questionnaires were distributed at police academies and at police stations with multi-ethnic staff. Other criteria for the selection of police stations were that they be located in the biggest municipalities as well as in particular hot spots of inter-ethnic conflicts.

Altogether, 1,016 questionnaires were distributed, of which 692 were returned. This corresponds to a return rate of 68.1%. In Kosovo, questionnaires were distributed to 130 police cadets at the Kosovo Police Service School (KPSS) in Vucitrn, to 250 officers of the Kosovo Police Service (KPS), to 50 OSCE police instructors and to 100 UNMIK police officers, including field trainers, station commanders, shift leaders and patrol officers, in the following referred to as UNMIK police monitors. In Macedonia, questionnaires were given to 100 police cadets, 150 local police officers, six OSCE police instructors, and 50 EUPOL Proxima police monitors (including co-locators at stations, monitors and advisors). In South

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21 In October 1998, an OSCE Police Monitoring Group continued the police monitoring task of two predecessor missions by the UN, which had initially established and trained a multi-ethnic police force in Croatia's Eastern Slavonia region; see Stodiek 2004a, pp. 128-158.

Serbia the sample comprised 150 local police officers as well as 30 former OSCE instructors.

In addition to the standardized written surveys, more than 100 semi-structured oral interviews were conducted with police station commanders in all three mission areas; members of the KPS Counselling and Support Teams (KPS-CAST) in Kosovo, responsible for the psycho-social care of KPS officers; senior representatives of all missions; representatives of the ministries of the interior (Macedonia and Serbia); and a number of human rights NGOs. Because of the riots in March 2004, the reconciliation process between Serbs and Albanians in Kosovo suffered a heavy setback. Since the local police were also affected – investigations were conducted against ethnic Albanian officers accused of severe misconduct, and ethnic Serbian officers were dismissed because they adamantly refused to further co-operate with their Albanian colleagues –, the assumption was, that the findings of the September 2003 survey regarding the inter-ethnic climate in the KPS might no longer be valid. Therefore, a number of additional interviews was carried out with senior representatives of UNMIK police and the OSCE-lead KPSS in March 2005. The following map shows police stations in the three mission areas visited during the field research.

## **2.2 Research Questions and Variables of Analysis**

The three central research questions of the study are:

- To what extent was it possible for multi-ethnic police forces to be established in the post-war societies of the Western Balkans?
- To what degree have the populations gained confidence in them?
- Which factors explain the success or failure in establishing multi-ethnic police services?

To answer these questions, we introduced the dependent variables 'status of the creation and integration of multi-ethnic police units' and 'degree of acceptance of the multi-ethnic police in the population'. The dependent variable 'status of the creation and integration of multi-ethnic police units' is operationalized on the basis of the proportion of members of ethnic minorities in the multi-ethnic police, the inter-ethnic social climate within the police, the integration of the multi-ethnic police elements within the general police structure as well as the general performance of the multi-ethnic police forces in the three mission areas. The second dependent variable 'degree of acceptance of the multi-ethnic police in the population' is operationalized on the basis of surveys of citizens' perceptions of the police and the degree of citizens' co-operation with the police, and with the help of the self-perception of local police officers with respect to their acceptance in the population.

The results of our dependent variables will be explained on the basis of the independent variables 'ethno-political conflict constellation' and 'structural aspects of the police apparatus', as well as with the help of the intervening variable 'impact of international actors on the process of police reform'.

The independent variable 'ethno-political conflict constellation' will be operationalized on the basis of the conflict intensity in the three cases, e.g. the number of casualties, refugees and displaced persons, as well as the violent actions of the security forces and rebel movements (see 3.2). The independent variable 'structural aspects of the police apparatus' is operationalized on the basis of the recruitment situation with a special view to the inclusion of former combatants and members of political parties, the achieved level of general edu-

**SERBIA and MONTENEGRO**

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

**ALBANIA**

**KOSOVO**

**Provinces of Kosovo:** NORTH, WEST, EAST, SOUTH

**Major Cities and Towns:** Mitrovia, Vucitrn, Pristina, Lipljan, Gracanica, Gnjilane, Strpce, Prizren, Dragas, Tetovo, Skopje, Gostivar, Medveda, Bujanovac, Presevo, Kumanovo.

**Legend:**

- International boundary (dashed line with dots)
- Republic boundary (dashed line)
- Provincial boundary (dotted line)
- National capital (circle with a dot)
- Republic capital or provincial capital (circle with a dot)
- Town, village (open circle)
- Mountain pass (X)
- Major road (solid line)
- Secondary road (dashed line)
- Railroad (line with cross-ticks)

**Scale:** 0 5 10 15 20 25 km / 0 5 10 15 mi

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map No. 4133 Rev. 8 UNITED NATIONS October 2002

Department of Public Information Cartographic Section

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*Macedonian towns*

cation and police training of the police cadets and officers, and the structural deficiencies of the legal systems of the countries concerned in terms of the politicization and centralization of the police, the level of corruption, the quality of the legal foundations of police work, and the availability of material resources (see 3.1). This discussion of the entire legal system is necessary, because its effectiveness is a prerequisite for the effectiveness of the police in providing order and security. If legal and judicial reform lags behind police reform, a feeling of impunity among the population and one of frustration and cynicism among police officers might develop, leading to improper behaviour or vigilantism.<sup>22</sup>

### **2.3 Problems in Evaluating the Results of Police Reform**

While it is rather easy to evaluate the quantitative criteria of police reform – the numbers of police officers recruited, trained and integrated – it is much more difficult to evaluate the qualitative criteria, particularly the levels of police performance.<sup>23</sup> For the qualitative evaluation of police performance, a comprehensive set of direct and indirect indicators has to be analyzed. Direct performance indicators include crime statistics, clear-up rates for crimes, as well as assessments by international police monitors and human rights NGOs covering aspects such as the record of human rights abuses or police corruption. Indirect indicators include the public perception of the police, the personal feeling of security within the population, the scale of illegal distribution of small arms among the population as well as the level of co-operation between the public and the police.<sup>24</sup> In view of the specific reform task of creating multi-ethnic police units, the inter-ethnic climate within the police units and at the police academies represents an additional performance factor. Except for clear-up rates which were not consistently available for all three cases studies, all other indicators are analyzed in the case studies.

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22 See for example Call/Stanley 2001, p. 168.

23 For a general discussion of the difficulties of defining the success of reforms see German/Chalmers 2005, pp. 299-308.

24 See Boeden 1988, p. 67.

### 3. Police Reform and the Yugoslav Legacy

#### 3.1 Structural Deficiencies within the Police System

In pre-war Yugoslavia as in other communist states, police forces were dysfunctional in the sense that they served the state, meaning the ruling party, rather than the public. Throughout the Balkans, the popular perception emerged, particularly among ethnic minorities, that the police were biased in favour of certain ethnic and/or political groups.<sup>25</sup> During the Milošević era, ethnic minorities such as the Albanians in Kosovo, Muslims in Sandzak, Roma throughout Serbia, but also other minorities such as homosexuals suffered from police discrimination, unlawful arrests, and ill-treatment. However, not only minorities but also citizens opposing the Milošević regime faced excessive use of force by the police, as did journalists who covered such incidents.<sup>26</sup> With respect to the recruitment and promotion of police officers, their loyalty to the regime was more important than their professionalism. Their prime task was not to investigate and solve criminal cases, but to demonstrate power and to vigorously enforce public order.<sup>27</sup> In the early 1990s, the Serbian police was restructured, and many refugees from Croatia and Bosnia and Herzegovina were integrated into the police. Although they were well paid, they did not receive Serbian citizenship. As any regime change would have threatened their position, they were very loyal to the government and regarded the opposition as an enemy.<sup>28</sup> The criminal police dealt rather with opposition against the state than with criminal acts involving citizens.<sup>29</sup>

Due to the economic decline during the last phase of the Tito regime, corruption within the police increased. However, the criminalization of the police, from the lower ranks to the top leadership, reached its climax in the 1990s during the Milošević era. Corruption within the police became the norm. The negative consequences of the state-directed command economy had already led to a growing black market in the 1970s and 1980s, on which not only citizens but also companies relied. The rise of the black market went hand in hand with the increase in corruption of those state officials ostensibly tasked with fighting it. The acceptance of bribes gave these officers the opportunity to improve their living standard despite the general economic decline. Another source of additional 'income' was pocketing road traffic fines. In order to become promoted to such lucrative positions, police officers had to bribe their superiors. Secret service and customs officers also profited from the illegal import of high-tech products from Western countries.<sup>30</sup>

Corruption increased in the same way as the state economy declined, due in part as well to the UN economic sanctions over the course of the Balkan wars.<sup>31</sup> A governmental distribution system based on licenses had to be established for scarce commodities.<sup>32</sup> The state and the leading party had enormous influence on the economy. Furthermore, state authorities issued vouchers for special goods for the friends of the regime. With the beginning of the UN embargo, the smuggling of weapons, oil, foreign currencies, drugs, cigarettes, alcohol and food literally exploded. The margins of profit allowed for bribing customs

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25 Cf. OSCE Mission to the Federal Republic of Yugoslavia 2001c, p. 15; Caparini/Day 2002, p. 6; Hansen 2003, pp. 177f.; Babovic 2002, pp. 53 and 59; Caparini 2004, p. 256.

26 Cf. Human Rights Watch 1999 and 1997.

27 Cf. Caparini/Day 2002, p. 6f.

28 Cf. International Crisis Group 2000b, p. 8.

29 Cf. Caparini/Day 2002, pp. 6f.

30 Cf. Center for the Study of Democracy 2004, pp. 41f. and 48; Transparency International Serbia 2001, p. 63.

31 Cf. OSCE Mission to the Federal Republic of Yugoslavia 2001c, pp. 13 and 15; Caparini/Day 2002, p. 6; Mappes-Niediek 2003, p. 53.

32 Cf. Mappes-Niediek 2003, pp. 45f.



and police officers. Police escorts for transports of illicit goods were common practice.<sup>33</sup> In some cases, police officers even participated in the trafficking of heroin.<sup>34</sup>

Milošević had already laid the foundations for the interconnectedness between politics, police and organized crime in the early 1990s. In 1991, he replaced the whole staff of the secret service with people of his choice.<sup>35</sup> The connection between police and organized crime was most obvious on the payrolls of the Serbian ministry of the interior that contained a number of well known figures in the underworld.<sup>36</sup> The regime used small-time and major criminals for its dirty purposes.<sup>37</sup> Secret service and police officers co-operated with crime bosses in assassinating defectors or politicians who represented an obstacle for Milošević. Starting in 1991, more than 150 unsolved murders of that kind took place, including more than 60 of Yugoslav émigrés residing predominantly in Western Europe. Alleged criminals often carried police identification. According to the Center for the Study of Democracy (CSD), the systematic employment of criminals was initiated by the later chief of the uniformed police and vice-minister of the interior, Radovan Stojičić.<sup>38</sup> The most prominent crime figures handling extra-legal deeds on orders of the police or the state security were Željko Ražnatović 'Arkan' and Jovica Stanišić 'Giska'.<sup>39</sup>

Arkan and Giska, did not only act in secret, but earned an infamous reputation for the atrocities they and their paramilitary units committed among the non-Serb communities in Croatia, Bosnia and Herzegovina, and Kosovo during the Balkan wars of the 1990s.<sup>40</sup> It was not only their units, which committed war crimes, but also some special police units militarized, in terms of equipment and structures, by Milošević. These paramilitary police units have been accused of carrying out many more war crimes than the armed forces themselves.<sup>41</sup>

In Macedonia, the structural deficiencies mentioned above more or less survived the country's peaceful secession from Yugoslavia. The police were as politicized and centralized as in Serbia, and violated the human rights of citizens to the same extent. Rather than ethnicity, the common characteristic of victims was usually their 'oppositional political activity or low social-economic status'.<sup>42</sup> Individuals were sometimes arrested without a warrant and beaten until they confessed to a crime. Corruption was as endemic as in Serbia, and due to the international sanctions against Yugoslavia and the simultaneous Greek economic embargo against Macedonia in the course of the dispute over Macedonia's official name, smuggling had also exploded in Macedonia leading to an interconnectedness between police, politics and organized crime similar to that in Serbia.

Similar to the situation in Serbia, parts of the Macedonian police were also militarized; the difference between the military and the police became blurred in terms of competencies, weaponry and structures. Both institutions became closely associated as the government turned to the military to shore up the police's capacity to maintain internal power with coer-

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33 Cf. Center for the Study of Democracy 2004, p. 48; Mappes-Niediek 2003, pp. 30f. and 53.

34 Cf. OSCE Mission to the Federal Republic of Yugoslavia 2001c, p. 13; Caparini/Day 2002, p. 6.

35 Cf. International Crisis Group 2000b, p. 7.

36 Cf. Center for the Study of Democracy 2004, p. 49.

37 Cf. Caparini/Day 2002, p. 7f.; Mappes-Niediek 2003, pp. 37f.

38 Cf. Mappes-Niediek 2003, pp. 41f.

39 Cf. Mappes-Niediek 2003, pp. 30f.; Center for the Study of Democracy 2004, p. 42.

40 Cf. Mappes-Niediek 2003, pp. 30f.

41 Cf. OSCE Mission to the Federal Republic of Yugoslavia 2001c, p. 15; Caparini/Day 2002, p. 6; Hansen 2003, p. 178; Mani 2000, p. 11; Amnesty International 1999; Human Rights Watch 1999.

42 Human Rights Watch 1998.

cive means, particularly during the violent conflict in 2001.<sup>43</sup> In addition to the already existing special police task force (the 'Tigers') and units of police reservists, used in fighting the UCK (Ushtria Clirimtare e Kosoves) rebels, the then Macedonian minister of the interior, Ljube Boškovski, created his own paramilitary police unit (the 'Lions') in 2001. This unit, acting under Boškovski's direct command, acquired a notorious reputation for its intimidating and violent behaviour against the Albanian population<sup>44</sup> culminating in the brutal police raid on the Albanian village of Ljuboten on 12 August 2001, just one day before the signing of the Ohrid Framework Agreement. The village was first shelled by the army. After the 'Lions' had entered the village, houses were blown up, detained civilians severely beaten and shot, and ten villagers killed. Boškovski himself and a commanding officer of the Lions have been indicted by the International Criminal Tribunal for the Former Yugoslavia in this context for violating the laws or customs of war.<sup>45</sup> While this incident seems to be the only case of police involvement in war crimes, the Albanian population, nevertheless, has still no trust in any of the Macedonian special police forces.

### 3.2 The Legacies of Ethno-Political Violent Conflict

The three cases differ significantly in terms of the level of violence during the conflict periods. In Kosovo, the level of violence was by far the highest. Serbian security forces and the paramilitary gangs of Arkan and others used brutal force against the Albanian population both before and, in particular, during the NATO bombing campaign against Serbia, and committed atrocities and large scale acts of 'ethnic cleansing'. On the other hand, members of the Albanian Kosovo Liberation Army (Ushtria Clirimtare e Kosoves/UCK) and ethnic Albanian civilians committed revenge killings and acts of 'ethnic cleansing' as well. This time, Serbian civilians became the victims. The number of Albanians killed by Serbs is estimated at about 10,000.<sup>46</sup> Between June and November 1999, more than 200 Serbs were killed by Albanians. While approximately 860,000 Albanians were internally displaced or had fled from Kosovo by June 1999,<sup>47</sup> about 150,000 Serbs and members of other minorities fled to Serbia proper after July 1999.<sup>48</sup>

In the south Serbian Presevo valley, the structure of the conflict was similar to that in Kosovo. However, the level of violence was significantly lower. The municipalities of the Presevo valley, many inhabited by an ethnic Albanian majority, had been neglected economically by the Belgrade government for years. The Albanian population was discriminated against by the authorities. Attacks of the Albanian Liberation Army of Presevo, Medvedja und Bujanovac (Ushtria Clirimtare e Presheves Medvexhes dhe Bujanovicit/UCPMB) on Serbian security forces after January 2000 provoked massive retaliation by the police and the military.<sup>49</sup> The new political constellation after the fall of Milošević in October 2000 as well as the desire of NATO not to see a new violent conflict develop within the Ground Safety Zone between Kosovo and Serbia proper paved the way for stopping the fights long before a level of violence similar to that in Kosovo had been reached. According to the International Crisis Group, about 100 people were killed during the fights between the UCPMB and the security forces. 12,500 Albanians fled to Kosovo.<sup>50</sup>

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43 Cf. Hansen 2003, p. 178.

44 Cf. Ordanoski 2001; Matveeva/Hiscock/Paes/Risser 2003, pp. 22f.

45 Cf. International Criminal Tribunal for the Former Yugoslavia 2004.

46 Cf. Stockholm International Peace Research Institute 2000, p. 32.

47 Cf. International Crisis Group 2000a, p. 2.

48 Cf. Human Rights Watch 2001.

49 Cf. International Crisis Group 2001a, p. 2.

50 Cf. International Crisis Group 2003, p. 1.

In Macedonia, the level of violence was comparable to that in South Serbia. Fighting between the Albanian National Liberation Army (Ushtria Clirimtare Kombetare/UCK) and the Macedonian security forces, starting in January 2001, caused about 100 casualties with a very small death toll among civilians.<sup>51</sup> Because the peace agreement of August 2001 was reached rather quickly, the number of displaced persons was also rather low compared to Kosovo. About 108,000 Albanians and 40,000 ethnic Macedonians fled from the North-Western Macedonian crisis region.<sup>52</sup>

Because of the much lower level of violence in South Serbia and Macedonia, we assume that the level of inter-ethnic hatred there is considerably lower than in Kosovo and that therefore the chances for the creation of multi-ethnic police services as well as for their acceptance in the population are significantly better. However, the hard line taken by anti-terror police units against the ethnic Albanian population in South Serbia and Macedonia has undoubtedly deepened the mistrust against these units, which are still composed solely of ethnic Macedonian and Serbian officers today.

The next chapter provides a brief description of the specific settings and mandates of the three case studies on police reform in Kosovo, South Serbia and Macedonia. In chapter 5, the conclusions of the three cases are compared and summarized, interrelating the values of the independent, intervening and dependent variables. Based on the study's findings, recommendations are given with respect to the enhancement of the effectiveness of police training and reform missions.

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51 Cf. Arbeitsgemeinschaft Kriegsursachenforschung 2004.

52 Cf. UNHCR 2001.

## 4. The Police Reform Context: Case Settings and Mission Mandates

### 4.1 The Kosovo Case

#### 4.1.1 Setting

After the complete withdrawal of the Serbian security forces from Kosovo within the framework of the 'Military Technical Agreement between the International Security Force and the Governments of the Republic of Yugoslavia and the Republic of Serbia', which ended the Kosovo war in June 1999,<sup>53</sup> the incoming NATO-led Kosovo Force (KFOR) and the United Nations Interim Administration Mission in Kosovo (UNMIK) were confronted with a dangerous security vacuum. Anarchy was spreading throughout this crisis-stricken province.

#### 4.1.2 Mandate

In an attempt to cope with this situation, UN Secretary-General Annan formulated two main goals for UNMIK's law enforcement strategy: the 'provision of interim law enforcement services and the rapid development of a credible, professional and impartial Kosovo Police Service' (KPS).<sup>54</sup> As soon as a credible national police force had been established, law enforcement authority was to be gradually transferred from UN Civilian Police (UNCIVPOL) to the KPS.<sup>55</sup> UNCIVPOL was responsible for law enforcement and the field training of the new KPS officers, while OSCE police instructors were supposed to provide the basic KPS training at the Kosovo Police Service School (KPSS),<sup>56</sup> run by the OSCE Mission in Kosovo (OMIK). Originally, a UNCIVPOL contingent of 3,100<sup>57</sup> and 150 OSCE police instructors<sup>58</sup> were designated for accomplishing these tasks.

Building up the KPS consisted of three successive core steps: recruitment, academy training, and field training. On this basis, the confidence of all ethnic communities of the local population was to be gained, and a number of reform obstacles inherited from both Yugoslavia's socialist and Milošević eras needed to be tackled. Initially, the creation of a KPS contingent of 3,100 police officers was envisaged.<sup>59</sup> However, UNMIK later expanded the size of the future KPS several times to finally 7,500 – an amount which was to be reached by December 2005.<sup>60</sup> The composition was to be multi-ethnic, with at least nine per cent Serbian officers and seven per cent of officers belonging to other minorities. 20 per cent of the officers were to be women.<sup>61</sup> Initially, police cadets were supposed to undergo five weeks of basic training at the police academy in Vucitrn, followed by 19 weeks of field training with UNMIK police officers, and an additional 80 hours of advanced classroom training provided by OMIK at the KPSS, before they were eligible for certification and independent assignment.<sup>62</sup> The tentative start date for training was 30 August 1999.<sup>63</sup>

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53 Cf. NATO 1999.

54 UNMIK 2003, p. 5.

55 For a detailed description of UNMIK's and KFOR's mandates see United Nations Security Council 1999; and Stodiek 2004a, pp. 261-265.

56 Cf. United Nations Security Council 1999; UNMIK 2003, p. 5; OSCE Permanent Council 1999, p. 1.

57 The UNCIVPOL contingent was later expanded to 4,700 officers.

58 Cf. UNMIK 199, p. 6; OSCE 1999, p. 2.

59 Cf. OSCE Mission in Kosovo 1999b.

60 Cf. OSCE 2004b.

61 Cf. UNMIK 2003, p. 9.

62 Cf. UNMIK 2000, pp. 2f.; OSCE Mission in Kosovo 1999a; OSCE Mission in Kosovo 1999b. By 2004, several revisions of the training curriculum had finally led to an extension of academy and field training to 20 weeks each (cf. OSCE 2004a; OSCE Mission in Kosovo 2004, p. 2).

63 Cf. OSCE Mission in Kosovo 1999b.

## 4.2 The South Serbia Case

### 4.2.1 Setting

In 2000, Albanian rebels of the Liberation Army for Presevo, Medvedja und Bujanovac (UCPMB) attacked Serbian security forces in the south Serbian region bordering on Kosovo to emphasize their demands for greater autonomy of Albanian-inhabited municipalities or the accession of the Presevo valley to Kosovo. Because the UCPMB withdrew after their attacks into the five-kilometer wide Ground Safety Zone between Serbia proper and Kosovo, access to which, according to the Military Technical Agreement of 1999, was restricted for Serbian security forces, Serbia had no means of putting an end to the UCPMB actions.<sup>64</sup> After the fall of Milošević in October 2000, the new government tried to reach a peaceful solution. In spring 2001, the then Serbian Deputy Prime Minister Nebojša Čović, who was also the President of the Co-ordinating Body of the Federal and Republic of Serbia Governments responsible for Southern Serbia and Kosovo, developed a plan for the peaceful termination of the crisis in South Serbia.

### 4.2.2 Mandate

The so-called 'Čović Plan' laid out four objectives for the solution to the crisis:

- 'The elimination of all kinds of threats [...] to state sovereignty and the territorial integrity of the Republic of Serbia';
- 'The establishment of [...] security [...], freedom of movement [...], ensured by the complete dis-banding and disarmament of terrorists, by the demilitarisation of the region and by allowing the return of all the refugees to their homes';
- 'The development of a multi-ethnic and multi-confessional society, based on democratic principles and the respect of all human, political and minority rights';
- 'Prosperous and rapid economic and social development [...]'.<sup>65</sup>

Goal no. 3 was to be implemented with a view to the 'harmonization of the ethnic structures of the employees in the civil services, [...] with the ethnic structure of the population'<sup>66</sup>, meaning that Albanian police officers were to be integrated into the existing Serbian police in the three municipalities, Medvedja, Bujanovac and Presevo. Ethnically mixed patrols were to be introduced 'when the indispensable conditions for that [were] fulfilled'.<sup>67</sup> According to the Čović Plan, the restoration of security and peace also included the 'withdrawal of extraordinarily engaged military and police forces, return or remaining of the regular police of mixed ethnic composition in settlements (stations, patrols and other forms of regular activities) and of regular military units, including the appropriate units at the line towards Kosovo and Metohija and the border units at the border with Macedonia'.<sup>68</sup>

Ethnically mixed units were to be established, composed of a number of experienced Serbian and former Albanian police officers and 400 new police officers, of which more than half would be of Albanian ethnicity. Those 400 new officers were to be trained at the police

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64 Cf. International Crisis Group 2001a, pp. 5f.

65 Čović 2001, p. 70.

66 Ibid., p. 79.

67 Ibid., p. 80.

68 Ibid., pp. 80f.

academy in Mitrovo Polje in three phases by May 2002.<sup>69</sup> The newly established OSCE Mission to the Federal Republic of Yugoslavia (OMiFRY),<sup>70</sup> which had already assisted the Serbian authorities in restructuring and training their law enforcement agencies in general, was ready to provide the training for this new Multi-Ethnic Police Element (MEPE) and offered 32 police trainers.<sup>71</sup> The first training phase was to consist of just three five-day refresher courses for 40 former Albanian and Serbian officers, to enable the first multi-ethnic police patrols to be established quickly. In the second training phase those 40 officers were to receive an additional five-weeks training. The third training phase, designed for the new recruits, was to cover 12 weeks of basic police training, followed by a 16-week field training delivered by Serbian instructors.<sup>72</sup> The tentative start for the first training phase was 21 May 2001.<sup>73</sup>

## 4.3 The Macedonia Case

### 4.3.1 Setting

For a long time, Macedonia was perceived by many as an 'island of peace in an ocean of inter-ethnic quarrels'. While it was commonly known that deep-seated tensions existed between ethnic Macedonians and Albanians, Western observers were reassured by the fact that Albanian parties were consistently represented in Macedonia's governing coalitions. This led them to overlook the growing ethnic segregation in the country which, together with a plethora of unresolved social and political problems, created the potential for the explosive inter-ethnic conflict that erupted in spring 2001. The fighting started in January 2001, when the so-called National Liberation Army (Ushtria Clirimitare Kombetare – UCK), which used the same abbreviation as the Albanian fighters in Kosovo, attacked several police stations and patrols in a number of villages along the border with Kosovo, and declared those villages 'liberated areas'. The poorly trained and badly equipped Macedonian police were not able to prevent further attacks. Fighting escalated and by August 2001, the UCK had gained control over the Albanian-dominated town of Tetovo as well as the northern suburbs of the capital Skopje.<sup>74</sup> 60 members of the Macedonian military and police forces were killed and several officers kidnapped.<sup>75</sup> While the UCK had initially fought for the liberation of the Albanians in Macedonia, from March on it demanded equal constitutional rights and treatment for the Albanian population.<sup>76</sup> Under heavy diplomatic pressure from the EU and the USA, the four most important ethnic Albanian and Macedonian parties, with the approval of the UCK, finally signed the Ohrid Framework Agreement on 13 August 2001. In exchange for substantial political reforms favouring the Albanian community, the agreement put an end to the fighting and guaranteed the territorial integrity of Macedonia.<sup>77</sup>

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69 Cf. OSCE 2001b, p. 4.

70 It was mandated by Permanent Council Decision No. 401, 11 January 2001, cf. OSCE 2001a, p. 1.

71 Cf. OSCE Permanent Council 2001.

72 Cf. OSCE Mission to the Federal Republic of Yugoslavia 2001b; interview with OMiSaM representative, Belgrade, 9 August 2001.

73 Cf. OSCE Mission to the Federal Republic of Yugoslavia 2001a.

74 Cf. Paes/Schlotter 2002, p. 235.

75 Cf. Peake 2004, p. 29.

76 Cf. Ackermann 2002, pp. 119f.

77 Cf. International Crisis Group 2001b; Council of Europe/Republic of Macedonia 2001.

#### 4.3.2 Mandate

The Ohrid Accord called on the OSCE to support the Macedonian authorities in reforming the police, particularly by creating ethnically mixed units to be deployed in the crisis region to re-establish the state's monopoly of force.<sup>78</sup> The USA offered its International Criminal Investigative Training Assistance Program (ICITAP) to quickly train a first group of ethnic Macedonians and Albanians by December 2001. By July 2003, about 1,000 Albanian officers were to be integrated into the Macedonian police. By 2004, the Macedonian police force was generally to reflect the ethnic composition and distribution of the country's population.<sup>79</sup> The OSCE offered 60 police advisers and 17 instructors to implement these tasks. The training curriculum developed by the OSCE in co-operation with the Macedonian Ministry of the Interior (Mol) foresaw a three-month basic training at the police academy in Idri-zovo to be followed by six months of in-service training provided by Macedonian police officers.<sup>80</sup>

In February 2002, the OSCE and the EU initiated a co-operative effort for police reform in Macedonia. Two police experts from the EU were seconded to the OSCE Police Development Unit (PDU) of the OSCE Spillover and Monitor Mission to Skopje.<sup>81</sup> In December 2003, the EU significantly expanded its police-related activities in Macedonia by deploying the EU Police Mission 'Proxima'. The mandate of the 180 Proxima police officers included monitoring and advising Macedonian police authorities on issues such as:

- 'The consolidation of law and order, including the fight against organised crime [...]';
- 'The practical implementation of the comprehensive reform of the Minister of the Interior, including the police';
- 'The operational transition towards, and the creation of a border police [...]';
- 'The build up of confidence between the local police and the population';
- 'Enhanced cooperation with neighbouring States in the field of policing.'<sup>82</sup>

Proxima activities were to be coordinated with OSCE efforts and bilateral police projects of other international actors.<sup>83</sup> Since the OSCE had cancelled its field training activities in 2002, Proxima officers took charge of monitoring the performance of multi-ethnic police units at the police stations in the crisis region.<sup>84</sup>

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78 Cf. Schenker 2003, p. 176.

79 See Annex C, Article 5.2 of the Ohrid Framework Agreement. In: Council of Europe/Republic of Macedonia 2001, p. 5; OSCE 2001d, p. 4; OSCE 2001c; Berliner Morgenpost, 15 October 2001.

80 Cf. OSCE 2002a.

81 Cf. OSCE 2002b.

82 European Union 2003 p. 2.

83 Cf. *ibid.*

84 Cf. European Union Police Mission Proxima 2004, p. 14.

## 5. Findings, Conclusions, and Recommendations

### 5.1 Findings of the Three Case Studies

A critical assessment of the implementation of the three mandates reveals mixed results. That the missions were able in all three cases to recruit and train as many officers as planned was a clear success. By 2006, about 7,500 officers were trained and deployed in ethnically mixed units in Kosovo, 400 in South Serbia, and 1,500 in Macedonia.

Furthermore, a general climate of professionalism and comradeship has developed at the police academies and in the multi-ethnic units. This was more easily achieved in South Serbia and Macedonia, where the level of violence during the conflicts was comparatively low. Nevertheless, it is remarkable that in these two countries inter-ethnic communication and co-operation within the police is significantly better than in their respective societies as a whole. The most surprising finding, however, concerns Kosovo. In spite of the significantly higher level of inter-ethnic violence during the Kosovo conflict, the inter-ethnic social climate at the KPSS and in the multi-ethnic units was judged to be almost as good as in South Serbia and Macedonia. This is the result of the extensive use made by UNMIK and OMIK of their capacity for intervention. After initially having been forced to live and work together in order not to lose their jobs, police officers of different ethnic groups developed the basic co-operative attitudes necessary for the joint execution of their tasks. This positive result is by no means cancelled out by the inter-ethnic problems the KPS experienced following the March 2004 riots. On the contrary, it is encouraging that inter-ethnic problems occurred only in a few police stations and that the multi-ethnic composition of the KPS in general was not endangered (see Excursus: The Kosovo Riots in March 2004 and the performance of the KPS).

A third positive achievement is the level of confidence in the new police that was reached in all three cases particularly among the Albanian population, but also among other minorities such as Bosniaks, Turks, and Roma. In Kosovo, the local police enjoy a very good reputation, and in South Serbia and Macedonia, the Albanian communities have begun to turn to the multi-ethnic police with their concerns. This would have been almost unthinkable for the mono-ethnic police forces before 2001.

However, a number of failures and deficiencies must also be acknowledged. Unlike the ethnic Albanian population, ethnic Serbs and Macedonians view the multi-ethnic units with much scepticism, and, in the case of Kosovo, even with open rejection. In the Serb-dominated northern part of Kosovo even Serbian KPS officers are not respected by the population. The Serbian population in this region prefers to rely on the parallel security structures still maintained by the Belgrade government. In the other Serbian enclaves across Kosovo, the attitude of the population towards the KPS is more positive. However, the population there is forced to accommodate itself to the KPS, as parallel Serbian security structures do not exist. In South Serbia and Macedonia, the acceptance of the multi-ethnic units is also rather low within the regular police apparatus, most visibly expressed by the inadequate integration of these units into the existing structures. In particular, co-operation between multi-ethnic units and special police forces tasked with fighting organized crime and terrorism continues to be difficult.

The prime reason for this lack of integration is the inadequate training of the new police officers. The poor level of education of many ethnic Albanian police applicants represents a



### **Performance during the March 2004 riots**

On March 17, 2004, the heaviest inter-ethnic clashes broke out in Kosovo since the end of fighting in July 1999, and lasted for nearly 48 hours. The clashes began after several Kosovar media outlets propagated the rumour that four ethnic Albanian boys had been chased into a river by ethnic Serbs in the Mitrovica region, with three of the boys drowning.

The initially peaceful protests of several thousand Albanians in Mitrovica soon degenerated into a massive confrontation between ethnic Albanians and Serbs at the main bridge which separates the Albanian- from the Serbian-dominated part of the town. While the images of these clashes recalled similar incidents in this hot spot over the previous four and a half years, this time the situation intensified, with hostilities escalating to unprecedented levels. Over 50,000 Albanians participated in the anti-Serbian demonstrations, which occurred – first consecutively, then simultaneously – in more than 30 locations throughout Kosovo. The scale of violence took both national and international security forces completely by surprise.<sup>85</sup>

Without any preparation for dealing with riots of this dimension, lacking equipment such as riot control gear, shields, tear gas or rubber bullets, and with no contingency plans, the majority of KPS officers behaved professionally and bravely and tried their best to control the riots, prevent the mobs from attacking Serbian property and to save the lives of Serbs, Roma and Ashkali.<sup>86</sup> In view of the simultaneous escalation of violence at more than 30 hot spots across Kosovo, they worked most of the time with UNMIK officers within units hastily assembled because of the scarcity of available officers.<sup>87</sup> Without the support of the KPS in communicating with the demonstrators, KFOR and UNMIK police would have been even more helpless to calm the crowds down.<sup>88</sup> In addition to 67 KFOR soldiers and 65 UNMIK police officers, 58 KPS officers were injured during the riots.<sup>89</sup>

### **Investigations of accusations against KPS officers for misconduct during the riots**

Juxtaposed with the generally positive statements on the KPS's performance given by the UN and international think tanks were serious accusations of misconduct made against Albanian KPS officers by Serbian citizens, NGOs and by Serbian KPS officers.

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<sup>85</sup> Cf. Stodiek 2004b, p. 214; Human Rights Watch 2004, pp. 19f.

<sup>86</sup> Cf. United Nations Security Council 2004a, p. 12.

<sup>87</sup> Interview with UNMIK police officers, Kosovo, May 2004.

<sup>88</sup> Cf. International Crisis Group 2004, p. 20.

<sup>89</sup> Cf. United Nations Security Council 2004a, p. 1.

In addition to the most frequent accusation made, namely that many Albanian officers had stood by passively watching the riots, the most serious accusations were that Albanian officers had denounced their Serbian colleagues to the mob or that they had even taken part in the riots.<sup>90</sup> While there were no complaints from Serbs against KPS officers in Prizren, the most serious complaints came from Serbs in Vucitrn, Obilic and Kosovo Polje.<sup>91</sup>

During the investigations of the March 2004 riots, a number of UNMIK police officers also complained that many Albanian KPS officers had undermined the investigations by refusing to identify Albanian suspects on videotapes, often in cases where they supposedly knew the subjects, since they knew whole communities of certain villages.<sup>92</sup> In July 2004, investigations were underway against some 100 KPS officers for allegations of misconduct. However, no evidence was found to back up the most serious allegations. Therefore, by March 2005, only about a dozen officers had been temporarily suspended for disrupting radio communication during the riots.<sup>93</sup> Compared to the some 5,700 officers, who were on duty in March 2004, this small number of accused and convicted officers is an indication that the share of ethnically motivated failures within the KPS was rather low.

#### **Effects of the March 2004 violence on the social climate in the multi-ethnic police units**

After allegations of misconduct against ethnic Albanian KPS officers brought by their Serbian colleagues, the inter-ethnic climate seriously deteriorated and mistrust re-emerged.<sup>94</sup> The most serious incidents happened at the police station in Strpce, until then one of the success stories of multi-ethnic policing in Kosovo. The Serbian station commander and his Serbian staff categorically refused to co-operate further with their Albanian colleagues and did not let the Albanians enter the station. When they also refused to co-operate with other Albanian officers, brought in from other stations, UNMIK ended the blockade by dismissing the station commander and his Serbian deputy. Facing the potential consequences of their actions, Serbian staff of two other stations, which had also refused to co-operate with the Albanians, stopped their blockades and agreed to resume the work of ethnically mixed patrols.<sup>95</sup> UNMIK police monitored the re-established mixed patrols for a couple of days. Since there were no incidents and no complaints about the performance of the mixed units, the units went on patrol without the presence of UNMIK police monitors. At least on the surface, things had returned to normal by June 2004.<sup>96</sup>

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<sup>90</sup> Cf. International Crisis Group 2004, pp. 20f.; Human Rights Watch 2004, pp. 21f.; United Nations Security Council 2004, p. 12.

<sup>91</sup> Cf. Human Rights Watch 2004, pp. 26-59.

<sup>92</sup> Interviews with UNMIK police officers, Prizren and Prishtina, 28-30 May 2004.

<sup>93</sup> Cf. United Nations Security Council 2004b, p. 8; UNMIK 2004; interviews with UNMIK Police representatives, Kosovo, March 2005.

<sup>94</sup> Interviews with KPS CAST members, Prishtina, 29 May 2004.

<sup>95</sup> Independent of these specific incidents, ethnically mixed patrols were suspended temporarily by UNMIK after the March 2004 riots, because some Serbian officers had been afraid to enter Albanian villages. On the other hand, UNMIK and the KPS had avoided provoking the Serbian population by sending Albanian officers into their villages.

<sup>96</sup> Cf. United Nations Security Council 2004b, p. 8; interview with UNMIK police representative, Prishtina, 20 March 2005.

significant obstacle to their further training. Structural and conceptual deficiencies of the training programmes themselves also play a role in the inadequate skills of these newly trained officers. As far as the basic academy training is concerned, the most important problems resulted from the need to teach an enormous syllabus within a very short time. Because lessons given by international instructors had to be translated from English into Serbian, Albanian or Macedonian, the already short training time was additionally cut by half or even two thirds. Moreover, basic training suffered in South Serbia and Macedonia from too many theoretical lessons and the lack of knowledge and old-fashioned teaching styles of local police instructors. The deficiencies in the field training were primarily related to training periods that were too short to allow the new police officers to transfer their theoretical knowledge into practical experience. This problem of time was aggravated by a lack of personnel resources. Inadequate numbers of international and local field trainers did not permit intensive mentoring of the new officers. Moreover, field trainers had quite different levels of knowledge and motivation.

Consequently, the substance of the field training could not be sufficiently standardized. In addition to educational deficits, in all three cases a number of local police officers were not suitable because of their criminal backgrounds or other negative personality traits. Nevertheless, these officers were recruited due to political pressure by representatives of all ethnic communities. As the OSCE was only in a supporting role with respect to the recruitment process in South Serbia and Macedonia, the organization's options for intervention were rather limited. In Kosovo, where the OSCE and the UN had the sole responsibility for recruiting, they had severe problems in getting reliable information about the applicants, because relevant documents had vanished during the war. Last but not least, the pressure to integrate as many 'minority officers' as possible within an extremely short period of time led the international organizations to give even unsuitable candidates a chance.

The results of the case studies do not permit a clear assessment of the impact of the incorporation of former combatants on the functioning of the police. Relevant perceptions of international and local police officers indicate that former combatants do indeed represent an obstacle to the proper functioning of the police despite the fact that the majority of them so far have not stood out in a negative way during training or on duty.

Other reasons for the frequently unprofessional performance of new police officers were related to specific structural deficiencies of the post-socialist police forces in Serbia and Macedonia. The over-centralized command structures in Serbia and Macedonia are a significant obstacle to autonomous decision-making among lower-ranking police officers. Centralized structures also give way to political interference in operational measures and in the career development of individual police officers. A thorough reform of the Serbian and Macedonian police laws, which could contain these problems and adjust the performance of the police services to EU standards, is still far from complete. A related problem, providing fertile ground for corruption, is the low salaries of police officers. While the reputation of the police in this respect is quite poor in general, the Kosovar police still enjoy considerable trust among the Albanian population.

Finally, effective police work is seriously hampered in all three cases by the low level of cooperation between the police and the judiciary, and particularly by the severe deficiencies within the judiciary itself. Inefficient, corrupt, politicized and biased courts undermine the law enforcement actions of the police, thereby weakening the state's monopoly of force.

## 5.2 Conclusions

The record of international efforts in creating multi-ethnic police services in the Balkans is rather limited and based only on brief experience. Nevertheless, important steps towards achieving initial operational readiness of these new police services have been made.

In all three cases, the key problem remains the low and functionally inadequate level of training and, in consequence, the qualifications of the multi-ethnic units. However, while UNMIK has put a lot of effort into reducing these deficits and, with a few exceptions, has transferred the operational authority to the local police, police authorities in South Serbia and Macedonia are reluctant to integrate the new multi-ethnic units into the regular police forces, particularly the criminal police and the special units. If the integration problem remains unresolved and the special units remain ethnic *domaines réservés*, there is a real danger that the concept of multi-ethnic police could degenerate into a mere symbolic gesture. This would not only mean stagnation, but would also involve the risk of serious regression. Once the population and the officers themselves have come to the conclusion that multi-ethnic units represent second or third choice and thus cannot be taken seriously, the whole concept of employing multi-ethnic police to build peace in post-conflict situations will be called into question. While it was reasonable and necessary at the beginning to focus on the quantitative goal of deploying a sufficient number of multi-ethnic units as soon as possible, the focus must – now, and for the years to come – be on improving the performance of the new officers if the concept of multi-ethnic police is not to be undermined.

Winning the trust of all ethnic population groups is even more difficult than establishing the police's operational readiness. This requires a process of ethno-political rethinking within all ethnic communities which cannot be initiated and supported by administrative means, such as job incentives or disciplinary measures. What is needed is a true, voluntary, and broadly autonomous learning process, something that is much more difficult to achieve. A necessary condition for such learning processes – but not a sufficient one – is that multi-ethnic units prove in practice that they are capable of securing the rights of all ethnic groups in an even-handed manner. And precisely this has, so far, been a serious problem in all three cases. As important as favourable political conditions are – i.e. moderate politicians, confidence-building programmes and projects such as community policing or community advisory groups –, the core question for building confidence is whether the multi-ethnic police are capable of functioning as a reliable guarantor of the state's monopoly of force. So far, this has been only partially achieved in all three mission areas.

Therefore, it is essential that the international actors continue their efforts to professionalize the new police services in the Balkans. The member states of the OSCE, the EU and the UN have recognized that the establishment of sound and accountable security institutions is a crucial element of sustainable post-conflict peace-building in the Western Balkans, which would allow them, at some point, to pull out their troops from the region. Furthermore, the EU members have also become aware of the fact that the creation of effective police forces is indispensable for combating organized crime in this region that also threatens the security of Western European states. Since the Balkan states cannot be expected to solve these problems on their own, it is in the best interests of EU states to provide long-term support for the reform of the police and other elements of the security sector.

## 5.3 Recommendations

Police reform in post-conflict transformation societies is a complex and challenging endeavour. It needs sustained support, as the final outcome of reform efforts cannot be determined within two or three years. For this reason, international actors must be prepared to engage in police reforms for longer periods.

### 5.3.1 Provision of Personnel

The different tasks of international police personnel, ranging from training, monitoring, and advising up to armed law enforcement, require more specialized staff and more training before and during missions. There is an urgent need for more and better qualified instructors, both at academies and in the field. These instructors, in turn, should undergo pre-mission training in order to be brought to the same level of competence and to familiarize themselves with mission-specific training programmes. This is essential to ensure standardized teaching of course content. In addition to instructors, police reform missions require an even larger number of monitors and advisers who can be co-located at police stations and even at the ministerial level to monitor the implementation of police reforms and provide assistance to their local counterparts.

With respect to the three cases analyzed, it would have been advisable to extend the EU police presence in Macedonia with the same number of personnel following the termination of the Proxima mandate in December 2005. Proxima's replacement with a much smaller EU Police Assistance Team (EUPAT) in December 2005<sup>97</sup> and the further downsizing of the OSCE's Police Development Unit do not seem to be the appropriate measures in view of the fact that the implementation of police reforms in Macedonia actually only started in January 2005 and is far from complete. Macedonian authorities will need further monitoring and advice from the EU and the OSCE, if they are to have a chance to adjust their security sector to EU standards and fulfil the Copenhagen criteria for EU accession. The same applies to the Serbian authorities. As for Kosovo, the police mission will have to continue its work for years to come, either under the umbrella of the UN or of the EU. In addition to trainers, monitors, and advisers, the Kosovo mission needs international specialists for combating organized crime and riot control, since the KPS does not yet have sufficient capabilities to effectively fulfil these tasks on their own.

### 5.3.2 Provision of Material and Conceptual Resources

In order to set up missions quickly and avoid repeating mistakes already made, pre-mission planning, including mission-specific needs-assessment in the field is needed at the earliest possible stage. Mission-specific training curricula must consider local legal and cultural specifics to avoid impracticable training content. International organizations should therefore establish analytical and planning units, run databases with standard curricula, and compare and evaluate the existing training concepts of the different missions.

Experience has shown that basic academy training should not be less than 12 weeks if the necessary minimum content is to be taught. The three cases have also demonstrated the importance of including a significant number of practical training sessions. With respect to field training, there is a need for more intensive mentoring and better integration of new officers into daily police work to give them the opportunity to acquire practical experience.

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97 The Proxima contingent of 140 police officers was replaced by only around 30 police advisors (cf. European Union Council Secretariat 2005, p. 2).

As for material resources, police training missions need start-up kits containing basic office and classroom equipment. The three case studies have also shown the need for considerable financial resources for the refurbishment of training facilities. With respect to the fight against organized crime, host countries will need high-tech equipment, in particular IT equipment and equipment for forensics and crimes scene management.

At the same time, donor co-ordination should be improved to avoid duplication and incompatibility of donated equipment and training programmes. The development of a related database covering international police assistance projects would be a great help for programme co-ordinators. The 'Inventory Initiative' on 'Security Sector Reform in South Eastern Europe', a database project carried out by the Centre for International Security Studies (YCISS) at York University,<sup>98</sup> is a first important step in this direction. However, a more extensive database covering all regions in which the UN, the OSCE and the EU are engaged in security sector reforms is needed.

### **5.3.3 Implementation of Reform Programmes**

With respect to the sustainability of police reforms, the international community cannot avoid exerting considerable political pressure on the host states to implement new legislation regulating the tasks and structures of the police forces. This is essential for making police work more effective, de-politicizing the police, dismantling over-centralized command structures, making career developments more transparent, fighting human rights violations and other forms of police misconduct, isolating radical political groups, and strengthening the co-operation between the police and the judiciary.

In Kosovo, the international community must ensure that the positive achievements of the KPS are not reversed by radical forces, should the province gain (conditional) independence from Serbia. In the cases of South Serbia and Macedonia, sustained political pressure will be necessary to achieve the integration of multi-ethnic units in all branches of the police, particularly in the special police units.

### **5.3.4 Efforts to Win the Trust of All Ethnic Groups**

Finally, more efforts are needed to win the trust of ethnic Serbians and Macedonians in the multi-ethnic police. Only if this can be achieved can one really speak of successful integration. The creation of Crime Prevention Councils (Kosovo), Community Advisory Groups (South Serbia) and Citizens Advisory Groups (Macedonia) at municipality level, and the introduction of specifically trained Community Policing Officers are important steps in this direction. International missions, in co-operation with civil societies, must also continue to put more effort into explaining the overall purpose and proper functioning of such institutions to the local population.

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98 This project is implemented on behalf of the Stability Pact for South Eastern Europe (Working Table III on Security Issues), see <http://ssr.yciss.yorku.ca/> (30 July 2005).

## Appendix

### List of Abbreviations

CORE	Centre for OSCE Research
EUPOL	European Police
ICITAP	International Criminal Investigative Training Assistance Program (of the USA)
KFOR	Kosovo Force
KPS	Kosovo Police Service
KPS-CAST	Kosovo Police Service Counselling And Support Team
KPSS	Kosovo Police Service School
MEPE	Multi-Ethnic Police Element (South Serbia)
MTA	Military Technical Agreement
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OMiFRY	OSCE Mission to the Federal Republic of Yugoslavia
OMIK	OSCE Mission in Kosovo
OMiSaM	OSCE Mission in Serbia and Montenegro
OSCE	Organization for Security and Co-operation in Europe
TI	Transparency International
UCK	Ushtria Clirimtare e Kosoves/Kosovo Liberation Army
UCK	Ushtria Clirimtare Kombetare/National Liberation Army (in Macedonia)
UCPMB	Ushtria Clirimtare e Presheves Medvexhes dhe Bujanovicit/Liberation Army of Presevo, Medvedja und Bujanovac (South Serbia)
UN	United Nations
UNCIVPOL	United Nations Civilian Police
UNMIK	United Nations Interim Administration Mission in Kosovo
USA	United States of America

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